

# HOUSE JOINT RESOLUTION 1103

By Yokley

A RESOLUTION relative to water quality of the Pigeon River.

WHEREAS, maintaining and improving water quality is essential to protect public health, fisheries, wildlife, and watersheds and also essential to ensure abundant opportunities for public recreation and economic development in the State of Tennessee; and

WHEREAS, the Pigeon River is an invaluable natural resource benefiting local residents and contributing to a flourishing recreation and tourism industry; and

WHEREAS, for the past 100 years the pulp and paper mill in Canton, North Carolina, has discharged industrial pollutants into the Pigeon River depriving the people and aquatic life of the Great Smoky Mountain communities of East Tennessee of a safely useable and aesthetic resource and a healthy habitat; and

WHEREAS, the contested case filed by the State of Tennessee (December 13, 1996), resulting in the Settlement Agreement of 1998 between Tennessee, North Carolina, Cocke County, City of Newport, Tennessee Environmental Council, American Canoe Association and Champion International Corporation, specifies that all parties are committed to "attaining further reductions in color in the river, at the quickest possible pace"; and

WHEREAS, any progress during the current, administratively extended NPDES wastewater permit cycle has resulted in limited reductions in color at a slow-moving pace, with limited reductions in releases of toxic compounds to the Pigeon River; and

WHEREAS, pollution prevention technologies and best management practices are available and well-demonstrated that would result in less impact by the mill upon the Pigeon River; and

WHEREAS, the authority of regulatory agencies is well-established to improve water quality by limiting the massive pulp production that adversely impacts this small mountain river; and

WHEREAS, it is the responsibility of the government and all citizens of the state of Tennessee to ensure clean water for future generations to be used for drinking, recreation, fisheries and environmentally responsible economic development; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED FIFTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, that the North Carolina Division of Water Quality is requested to hold a water quality hearing regarding the renewal NPDES permit of Evergreen Packaging in Canton, North Carolina.

BE IT FURTHER RESOLVED, that all appropriate agencies of the state are requested to use any and all necessary authority to negotiate the upcoming renewal of NPDES Permit NC0000272, or otherwise take action to protect the public waters of Tennessee from ongoing degradation that prevents the Pigeon River from fulfilling all of its designated uses, because of its failure to meet Tennessee standards for color, foam and other floating matter, odor and taste.

BE IT FURTHER RESOLVED, that that all appropriate agencies of the state are requested to use any and all necessary authority to negotiate permit limits that significantly reduce discharges of toxic compounds to the river each permit cycle and include enforceable daily limits on discharge and in-stream measurements, including "true" and "apparent" color, and

BE IT FURTHER RESOLVED, that all appropriate agencies of the state are requested to use any and all necessary authority to negotiate future renewals of the Canton mill NPDES permit to include obligations to implement additional pollution prevention technologies and management practices that will result in significant water quality improvements in all future permitting cycles.

BE IT FURTHER RESOLVED, that all appropriate agencies of the state are requested to use any and all necessary authority to negotiate permit conditions to restore the quality of water that enters the State of Tennessee to the level of water quality upstream of the mill or to

Tennessee water quality standards, including all "narrative standards" for aquatic habitat, recreational waters and water supply waters, whichever is most protective.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to the North Carolina Division of Water Quality and the Honorable Phil Bredesen, Governor of Tennessee.